



IDAHO  
CONSERVATION  
LEAGUE

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Lloyd Knight  
Rules Review Officer  
Idaho State Department of Agriculture  
PO Box 7249  
Boise, Idaho 83707

May 5, 2021

Dear Mr. Knight:

I am writing on behalf of the Idaho Conservation League to provide comments and suggestions regarding the domestic cervidae rules administered by the Idaho Department of Agriculture. ICL has been Idaho's leading voice for conservation since 1973. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters, many of whom have a deep personal interest in protecting human health and the environment. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development.

I would like to thank ISDA for the opportunity to be involved in and comment on the domestic cervidae rulemaking process. As you know, chronic wasting disease (CWD) is knocking on Idaho's door with confirmed captive and wild cases in three of our neighboring states. It is therefore imperative that Idaho take all possible steps to prevent or limit the spread of CWD within our borders.

The most obvious need is to test all domestic cervidae greater than twelve months of age for CWD regardless of the cause of death. This suggestion is consistent with numerous available scientific studies and recommendations that urge full testing as a means to detect and stomp out any "sparks" of CWD as early as possible.

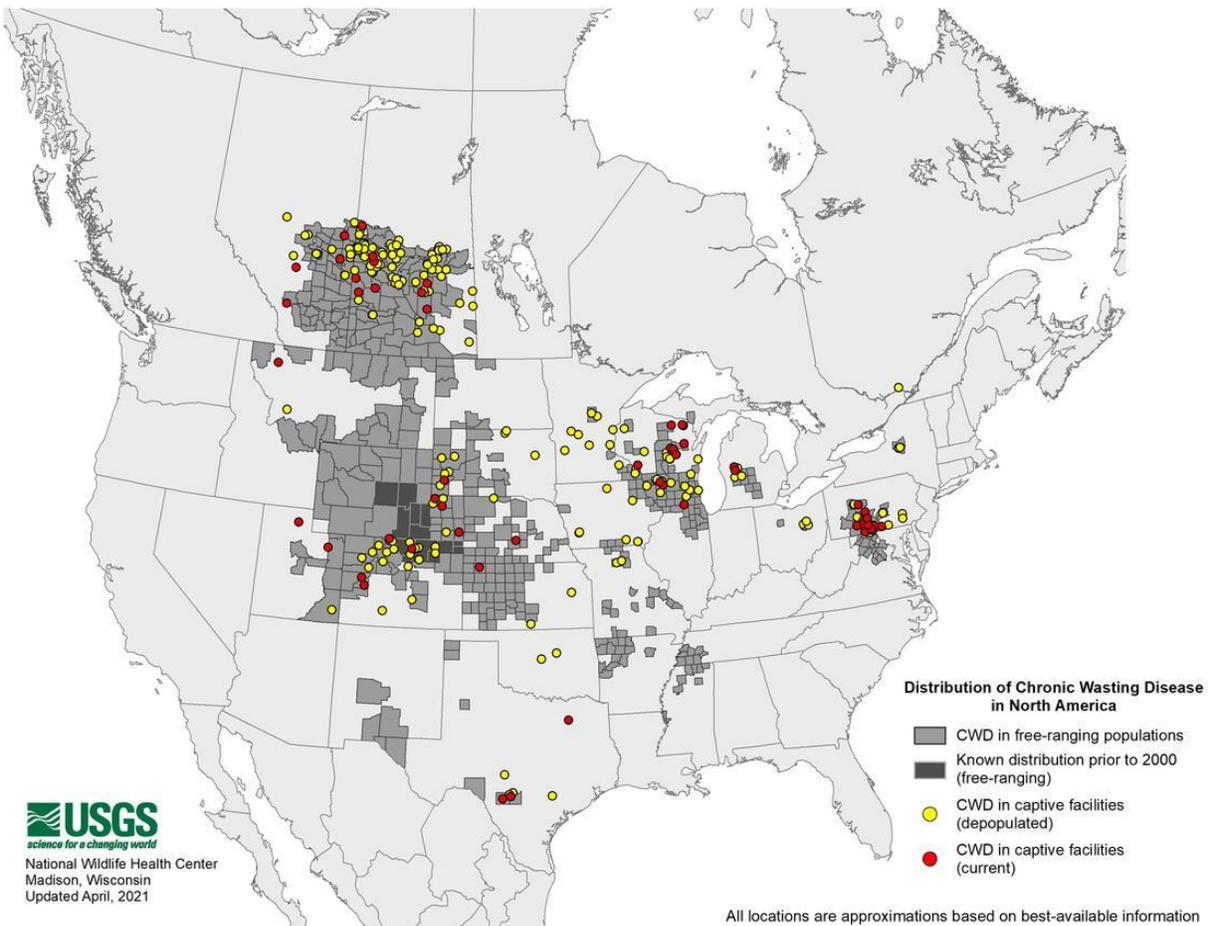
Additional comments and suggestions may be found in the attached comments. I'm also submitting the enclosed scientific publications for consideration and to be included in the administrative record. Please do not hesitate to reach out if you have any questions or comments.

Sincerely,

Brad Smith  
North Idaho Director

## Domestic cervidae rulemaking

The Idaho Conservation League (ICL) would like to thank the Idaho State Department of Agriculture (ISDA) for opening a public negotiated rulemaking process regarding domestic cervidae. As illustrated in the map below, chronic wasting disease (CWD) has been confirmed in both domestic and wild cervids in three of Idaho's neighboring states. ISDA must revise its rules governing domestic cervidae in order to limit the potential spread of CWD into the state where it will affect both domestic and wild populations of cervids. Proposed changes are described below.



*Distribution of Chronic Wasting Disease in North America, updated December 17, 2020. (Credit: Bryan Richards, USGS National Wildlife Health Center). Available online at: [https://www.usgs.gov/news/chronic-wasting-disease-can-science-save-our-dear-deer?qt-news\\_science\\_products=1#qt-news\\_science\\_products](https://www.usgs.gov/news/chronic-wasting-disease-can-science-save-our-dear-deer?qt-news_science_products=1#qt-news_science_products)*

## Sec. 102. Perimeter Fence Requirements.

The current rules regarding perimeter fencing found at IDAPA 02.04.19, Section 102 provide that fencing at domestic elk and fallow deer farms must be at least 8 feet high. In contrast, the minimum fence height for domestic reindeer farms is 6 feet. Fence height requirements for ALL domestic cervidae

farms should be brought into alignment, with a minimum height of at least 8 feet. A uniform requirement of at least eight feet is necessary to prevent the ingress and egress of any wild or domestic cervid, regardless of species or origin. A minimum height greater than 8 feet might be necessary in locations where a fence is installed perpendicular to a slope, thereby reducing the effective height of the fence on the uphill side.

Domestic reindeer farms were not allowed in Idaho north of the Salmon River until recently. The restriction north of the Salmon River was to prevent the spread of CWD to wild caribou. The last wild caribou was captured from the Selkirk Recovery Zone in 2019 and relocated to a captive breeding facility in Revelstoke, British Columbia.

The ultimate goal is to reintroduce caribou to the Selkirk Recovery Area. As such, a secondary perimeter fence should be required at ALL domestic cervidae farms in Boundary and Bonner Counties where the Selkirk Caribou Recovery Area is located. Citing Demarais et al. (2002), Fischer et al. (2011) note that secondary fencing requirements range from a minimum separation of 6.5 to 16 feet. ISDA should choose a minimum separation of the inner and outer perimeter fences at domestic cervidae farms in Boundary and Bonner Counties that is within this range.

## Sec. 500. Domestic Cervidae Ranch Surveillance.

The current rules at IDAPA 02.04.19, Section 500 provide that:

*Brain tissue from no less than ten percent (10%) of all domestic cervidae sixteen (16) months of age or older that are harvested on domestic cervidae ranches must be submitted for CWD testing annually. If ten (10) or less cervids on a domestic cervidae ranch are harvested in a calendar year, at least one (1) testable brain sample must be submitted to meet the annual CWD surveillance requirement. In addition to the tissue samples from the harvested domestic cervidae, brain tissue from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that die for any reason other than being harvested must also be submitted for CWD testing annually.*

The basis for the 10 percent testing standard for harvested cervidae is unclear. In proposing any rule or portions of any rule, the director shall utilize the “best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.” Idaho Code 22-101A(2)(a). The 10 percent standard is not supported by the available scientific literature. In fact, all of the studies that we reviewed encouraged testing ALL domestic cervidae for CWD regardless of the cause of death (e.g. Leiss et al. 2017, Bollinger et al. 2004, Salman 2003). Complete testing is recommended in order to ensure early detection and eradication of CWD “sparks” (Bollinger et al. 2004). We understand that a 100 percent testing requirement is burdensome to domestic cervidae farmers. However, 100 percent testing is consistent with available scientific publications and expert recommendations. Rigorous testing is necessary to not only protect wild cervidae but also the domestic cervidae industry from devastating outbreaks of CWD.

ISDA may also wish to modify the rule to provide domestic cervidae ranchers with the option of providing brain tissue or lymphoid tissue for CWD testing. In fact, Bollinger et al. (2004) notes that CWD

prions accumulate early in lymph nodes, and therefore, lymphoid sampling allows for earlier detection of CWD.

We also recommend testing all dead cervids over 12 months of age, regardless of the cause of death. As pointed out by Leiss et al. (2017) this is consistent with the U.S. Department of Agriculture's Herd Certification Program.

Domestic reindeer are exempt from CWD testing under current rules. ISDA proposes to remove this exemption. ICL supports testing ALL domestic cervidae for CWD, regardless of species and cause of death. Moore et al. (2016) found that reindeer are susceptible to CWD, and Leiss et al. (2017) suggests that the potential for the spread of CWD to wild caribou is high. Therefore, removing this exemption is prudent.

Stricter enforcement of testing and tracking of animals are also issues. In some cases, domestic cervidae carcasses are left lying around on farms for far too long before an effort is made to locate, remove and test the carcass for CWD. Domestic cervidae ranchers may not be able to reliably test carcasses that are in an advanced state of decomposition. Therefore, rigorous tracking and testing of domestic cervidae both on site and in an ISDA database are critical to effective CWD surveillance and containment.

### **Proposed Sec. 606. (Currently Sec. 607.). From Certified CWD Free Herd.**

The current rules require that all elk imported into Idaho shall originate from a herd that has been enrolled in a CWD monitoring program for at least 60 months and which has been determined to have certified CWD free cervid herd status by the animal health official of the state or province of origin. Additionally, there is an administrative order in effect that prohibits the import of elk from any domestic elk farm that is within 25 miles of a confirmed case of CWD in wild cervidae.

At the April 21st negotiated rulemaking hearing, ISDA indicated that there are no available scientific publications regarding this topic. However, the Michigan Department of Natural Resources (2017) drafted a useful summary of the regulations governing importation of domestic cervidae in both the United States and Canada. The summary illustrates that the regulations regarding the importation of domestic cervidae from CWD endemic areas are literally and figuratively all over the map. On one end of the spectrum, some states and provinces do not allow ANY cervids to be imported, and on the other end of the spectrum, there are no limits whatsoever. In between, some states and provinces prohibit the importation of cervids from any county, region and/or state that is endemic for CWD; some have regulations that prohibit importation from endemic areas; some require that the state exporting the cervid be enrolled in an official CWD monitoring and certification program; some require that there has been no diagnosis of CWD in the originating herd nor any confirmed cases of CWD in wild cervids within a certain radius of the originating herd; and/or some require only that there has been no diagnosis of CWD in the originating herd or imported cervid.

Fortunately, Idaho has thus far been spared from a CWD outbreak. However, CWD is right on our doorstep. It is therefore imperative that the state and ISDA take every precaution to prevent the spread of CWD into Idaho. ISDA's current administrative order may not be ideal for the domestic cervidae industry, but it is better than having an outbreak of CWD that devastates both wild and domestic herds in Idaho. As such, we recommend that ISDA enter the existing administrative order as a proposed rule.

## References

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- Leiss, W., M. Westphal, M. G. Tyshenko and M. C. Croteau. 2017. Challenges in managing the risks of chronic wasting disease. *International Journal of Global Environmental Issues*. 16(4): 277-302.
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